

IN THE UNITED STATES DISTRICT COURT
Southern ~~District~~ DISTRICT OF IOWA
~~Division~~ DIVISION
Des Moines

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

David L. Hering 6345575

4-05-CV-453
JEG ~~TEB~~

(Enter above the FULL name and
inmate number of the plaintiff
or plaintiffs in this action)

42 U.S.C. 1983

vs.

Complaint

State of Iowa
Iowa State Patrol
Trooper Robert Smith
Trooper Micheal McVeigh
(Enter above the FULL name of
each defendant in this action)

(NOTE: if there is more than ONE plaintiff, a separate sheet should be attached giving the information in parts I and II below for EACH plaintiff by name.)

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)
- B. If your answer to A is YES, please answer the questions 1 thru 7 on next page.
(If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper using the same outline.)

1. parties to this previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; If state court name the county)

3. Docket number _____

4. Name of judge whom case was assigned _____

5. Disposition, if known (for example: was the case dismissed? Was it appealed? Is it still pending? _____

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. Place of present confinement Anamasa State Prison

A. Is there a prisoner grievance procedure in this institution? YES (X) NO ()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? YES () NO (X)

C. If your answer is YES,

1. What steps did you take? _____

2. What was the results _____

D. If your answer is No, explain why not Not a prison issue

E. If there is no prisoner grievance procedure in the institution did you complain to prison authorities? YES () NO (X)

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

II. Parties

(in item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff David L. Hering 6345575

Address 406 North High Street Anamosa Iowa 52205

B. Additional plaintiffs _____

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank. Use item D for the name, positions, and places of employment of any additional defendants.)

C. Defendant Robert Smith is employed as Iowa State Trooper
at Stockton, Iowa

D. Additional Defendants Micheal Mcveigh is employed as Iowa
State Trooper at Stockton Iowa

State of Iowa and Iowa state Patrol are employers
of Smith and Mcveigh and responsible for there conduct.

III. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. 1983, and jurisdiction is based on 28 U.S.C. 1343 (c). Plaintiff(s) allege(s) That the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint

IV. Statement of claim

(State here as briefly as possible the FACTS OF YOUR CASE. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events. Attach an extra sheet if necessary, and write the heading part V CONTINUED at the top of the sheet. Keep to the facts. Do not give any legal arguments or cite any cases.)

On August 6 2003 Trooper Robert Smith Attempted to
Murder plaintiff by firing assault weapon at him and
then shooting plaintiff at point Blank range in plaintiffs
house. Plaintiff was unarmed and had one inch of bone
blown out of his leg. Trooper Micheal Mcueigh clubbed Plaintiffs
about the head and shoulders until Knocking Plaintiff
unconscious this was after trooper Smith had shot Plaintiff
They had no warrants. The aforesaid acts were done
continued

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

The plaintiffs wants 5.5 million dollars for
permanant partial disability, Permanant Scars, pain
Suffering, mental anguish, Hospital and Doctor bills
Damage done to personal property

Part V Continued

IV. Statement of claims

by defendants Smith and McVeigh torturously willfully and with malicious design and purpose of murdering, injuring and damaging Plaintiff. The conduct of Defendants Smith and McVeigh was in needless and reckless disregard of Plaintiffs 4th & 14th amendment constitutional rights and was grossly negligent in disregard for the safety of others. The State of Iowa and Iowa State Patrol failed to provide proper training for defendants Smith and McVeigh or it was conducted in such a reckless and grossly negligent manner so that future misconduct as present here was inevitable. In addition Defendant State of Iowa and Iowa State Patrol was grossly negligent and reckless in its supervision of its police officers.

VI. Statement Regarding Assistance In Preparing This Complaint

A. Did any person other than a named plaintiff in this action assist you in preparing this complaint? YES () NO (X)

B. If your answer is YES, name the person who assisted you: _____

C. Signature of person who helped you prepare complaint.

(Signature)

(Date)

VII. Signature(s) of plaintiff(s)

Signed this 3 day of August, 2005.

David L. Heung
(Signature of Plaintiff)

Signatures of additional plaintiffs, if any:

NOTICE: This correspondence was mailed from an
institution of the Iowa Department of Corrections
David Hering 6345525
406 North High Street
Amamosa Iowa 52105

EX-1137

Clerk of United States District Court
Southern District of Iowa

Central Division
P.O. Box 9344
Des Moines Iowa
50306-9344

Legal Mail

